

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

Crl. Misc. No. 39185-M of 2006

DATE OF DECISION : 01.09.2006

Jai Parkash alias Parkash

.... PETITIONER

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Baldev Singh, Advocate,
for the petitioner.

Mr. Partap Singh, Senior D.A.G., Haryana.

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Petitioner Jai Parkash alias Parkash has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 81 dated 11.4.2006 under Sections 323, 328, 307 IPC (now converted into 323, 328, 306, 120-B IPC) registered at Police Station Uklana, Hisar.

2. I have heard counsel for the parties and gone through the contents of the FIR as well as the order dated 7.6.2006, passed by Additional Sessions Judge, Hisar, whereby bail application of the petitioner has been dismissed.

3. In this case, the aforesaid FIR was registered on 11.4.2006 after 7 days of the alleged occurrence, on the basis of statement made by the deceased on 10.4.2006, which was recorded by Head Constable Suber Singh. According to the said statement, the petitioner, in whose field the deceased was working, had administered spray to the deceased after giving him beating.

4. Counsel for the petitioner contends that the version of the prosecution is totally false. On 4.4.2006, the deceased was working in the fields and when he was spraying in the fields of the petitioner, the petitioner found the deceased lying on the ground. The petitioner got the deceased admitted in a private hospital and on 11.4.2006, he died. Counsel contends

that as per the FSL report, now made available, no poison was detected, therefore, the version of the prosecution that the deceased was administered poison after beating cannot be believed. Counsel for the petitioner further states that the petitioner is in custody since 26.4.2006 and the trial is not likely to conclude soon.

5. On the last date of hearing i.e. on August 18, 2006, case was adjourned on the request of the State Counsel to place on record the FSL report. Now, the FSL report is available and as per this report, no poison was detected.

6. In view of the aforesaid facts, without expressing any opinion on the merits of the case, and keeping in view the custody period and the fact that the trial is not likely to conclude soon, I deem it fit to grant bail to the petitioner. He is accordingly ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial court.

7. Petition is allowed accordingly.

September 01, 2006
ndj

(SATISH KUMAR MITTAL)
JUDGE